

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

UNITED STATES OF AMERICA,

v.

KENDALL RAY GRAY,

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CASE NUMBER 5:19-CR-00002-RWS

ORDER

The above-entitled and numbered criminal action was referred to United States Magistrate Judge Caroline M. Craven for pretrial proceedings pursuant to 28 U.S.C. § 636. On April 24, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 28) (“R&R”) recommending Defendant Kendall Ray Gray’s Motion to Suppress (Docket No. 18) be denied. Defendant filed amended objections to the Report and Recommendation (Docket No. 35). The Court conducts a *de novo* review of the Magistrate Judge’s findings and conclusions. *See* 28 U.S.C. § 636(b)(1)(C).

Defendant moved to suppress evidence obtained as a result of a search of his vehicle. The Magistrate Judge conducted a hearing on the motion to suppress and set forth the facts in detail in her 28-page Report and Recommendation. To summarize, the Magistrate Judge found Defendant’s arrest was justified on several grounds: (1) evading on foot; (2) the traffic violations earlier observed by the arresting officer; and (3) three outstanding warrants from the State of Texas. R&R at 14. The Magistrate Judge further found the officers’ decision to impound the vehicle driven by Defendant after his arrest was reasonable in light of the Texarkana, Texas Police Department’s policy and procedures. *Id.* at 19. The Magistrate Judge found no support for Defendant’s argument that the inventory procedure used in this case was merely a pretext for an

investigatory search for evidence. *Id.* at 22. Based on the totality of the circumstances and applicable Supreme Court and Fifth Circuit case law, the Magistrate Judge determined that the inventory search was reasonable and remained within the parameters of the inventory search exception under the Fourth Amendment. *Id.* at 24.

In his amended objections, Defendant provides no specific objections to the R&R and only generally objects to the Magistrate Judge's legal and factual findings:

The Defendant now objects to the Report and Recommendations of the U.S. Magistrate Judge in their entirety, noting specifically the factual findings, legal conclusions, and recommendations in support of the U.S. Magistrate Judge's recommended denial and requests this Honorable Court to conduct a *de novo* review of the evidence and exhibits from the hearing on the Motion to Suppress Evidence and the findings and recommendations made by the U.S. Magistrate Judge.

Docket No. 35 at 2. A district court need not consider "[f]rivolous, conclusive, or general objections." *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982), *overruled on other grounds by Douglass v. U.S. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)). Findings to which no specific objections are made do not require *de novo* review; the Court need only determine whether the R&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

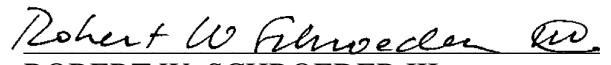
Though it need not, the Court made a *de novo* review of the motion to suppress and response thereto, the R&R, the transcript of motion to suppress proceedings and Defendant's objections. The findings and conclusions of the Magistrate Judge are correct. The Court agrees with the Magistrate Judge that the inventory search of Defendant's vehicle following his arrest was reasonable and not violative of the Fourth Amendment. As held by the Magistrate Judge, the Court finds that the officers, who were following standardized procedures, did not act in bad faith or for the sole purpose of investigation in impounding Defendant's vehicle and conducting an

inventory. R&R at 22. The Court further agrees with the Magistrate Judge that the inventory search remained within the parameters of the inventory search exception under the Fourth Amendment. *Id.* at 24.

Accordingly, the Court adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, it is

ORDERED that Defendant's objections are overruled, and Defendant's Motion to Suppress (Docket No. 18) is **DENIED**.

So ORDERED and SIGNED this 17th day of May, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE